

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

JESUS AMAYA, CESAR REYES, FREDY LOPEZ  
MONDRAGON, CARLOS GARCIA, FIDENCIO DIAZ,  
LUCINO GALINDO CANO, MELVIN VIGIL MESIA,  
EDWIN BELECELA, and CRISTIAN FUENTES,  
individually and on behalf of all others similarly  
situated

Plaintiffs,

-v-

BUILDSMART LLC, BERNARDO DAL POZZOLO,  
and BERNARDO SANTOS XAVIER,

Defendants.

CIVIL ACTION NO.: 21 Civ. 6378 (LGS) (SLC)

**AMENDED SCHEDULING ORDER**

**SARAH L. CAVE**, United States Magistrate Judge.

This matter has been referred to me to conduct an inquest and to report and recommend concerning Plaintiffs' damages. (ECF No. 45). Plaintiffs' requested extension (ECF No. 48) is GRANTED, and the Court orders as follows:

1. Plaintiffs shall submit proposed findings of fact and conclusions of law concerning damages no later than **April 19, 2022**. Plaintiffs must support all factual assertions by affidavit and/or other evidentiary material.
2. Defendants shall their response to Plaintiffs' submissions, if any, no later than **May 3, 2022**. IF DEFENDANTS (1) FAIL TO RESPOND TO PLAINTIFFS' SUBMISSIONS, OR (2) FAIL TO CONTACT MY CHAMBERS BY MAY 3, 2022 AND REQUEST AN IN-COURT HEARING, I INTEND TO ISSUE

A REPORT AND RECOMMENDATION CONCERNING DAMAGES BASED ON PLAINTIFFS' WRITTEN SUBMISSIONS ALONE WITHOUT AN IN-COURT HEARING. See Transatlantic Marine Claims Agency, Inc. v. Ace Shipping Corp., 109 F.3d 105, 111 (2d Cir. 1997) (“[I]t [is] not necessary for the District Court to hold a hearing, as long as it ensured that there was a basis for the damages specified in a default judgment.” (quoting Fustok v. ContiCommodity Services Inc., 873 F.2d 38, 40 (2d Cir. 1989))).

Plaintiff is directed to promptly serve this Order on Defendants and file proof of service by no later than **April 19, 2022**.

The Clerk of Court is respectfully directed to close ECF No. 48.

Dated: New York, New York  
April 5, 2022

SO ORDERED

  
SARAH L. CAVE  
United States Magistrate Judge